IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 851 OF 2004

Ramchandra G. Nimbalkar .. Petitioner

versus

Smt.Ramdulani wd/o S.Singh & ors. .. Respondents

...

Mr.G.N. Salunke for the petitioner.

CORAM : D.G. KARNIK, J

DATED : 2nd September 2004.

P.C:-

1. Heard the learned counsel for the petitioner.

2. The appellate Court has scrutinised the Court Commissioner's report carefully and has after considering of the relevant material has come to the conclusion that the respondent has not made any permanent construction. Whether the respondent has made any permanent alterations or not is principally a question of fact in the present case.

3. In exercise of a writ jurisdiction under section 227 of the Constitution of India, it is not possible to re-appreciate the evidence unless perversity is shown. No perversity is shown.

4. Hence, petition rejected.

D.G.KARNIK, J